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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,089	09/01/2000	Ken Watanabe	500.39008X00	5928

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EXAMINER

PUENTE, EMERSON C

ART UNIT	PAPER NUMBER
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2184

DATE MAILED: 04/09/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,089

Applicant(s)

WATANABE ET AL.

PR4

Examiner

Emerson C Puente

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-12 is/are allowed.
- 6) ☒ Claim(s) 1, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 1-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/1/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure objected to because of the following informalities:

Please change "transfer path for receiving the data" to "transfer path for not receiving the data" (pg 5 line 25)

Please change "computes" to "computers" (pg 9 line 6)

Please change "staring" to "starting" (pg 23 line 3)

Appropriate correction is required.

Claim Objections

2. Claims 1,2,5,6,7, and 8 are objected to because of the following informalities:

In regards to claim 1, "said transmission side transfer line"(see lines 8-9 of claim) lacks antecedent basis. Please change to "said transmission side transfer path".

In regards to claim 1, the phrase "utilizability signal representing the failure of said line or an own apparatus to said transmission side transfer line"(see lines 6-9 of claim) contradicts the phrase "first apparatus judges an occurrence of a failure when it cannot detect said utilizability signal"(see lines 10-11 of claim). Please change such that utilizability signal represents a success or operability, not a failure.

In regards to claim 2, please change phrase "staid first network" to "said first network" (see line 3 of claim).

In regards to claims 2, 5, 6, and 7, the phrase "the data communication"(see last line of claims 2 and 5, line 2 of claims 6 and 7) lacks antecedent basis.

In regards to claim 8, the phrase "utilizability signal representing a failure of said line or said apparatus associated with said line to said transmission side transfer path"(see lines 6-8 of claim) contradicts the phrase "judging that a failure occurs when a reception control portion cannot detect said utilizability signal from the other said interfaces (see lines 12-15 of claim). Please change such that utilizability signal represents a success or operability, not a failure.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by US Patent No. 5,736,933 of Segal.

In regards to claim 1, Segal discloses a method for sending a notice of failure detection in a system connecting first and second network interfaces incorporated in first and second apparatuses by a line including a transmission side transfer path and a reception side transfer path. Segal discloses a plurality of CP nodes wherein CP nodes perform periodic handshaking to indicate the nodes are operational, indicating sending a notice of failure detection in a system connecting first and second network interfaces incorporated in first and second apparatuses by a line including a transmission side transfer path and a reception side transfer path (see figure 1 items 108, 112 and column 5 lines 20-26). It would be inherent that the two apparatus have a network interface in order to communicate with one another.

wherein:

said first and second network interfaces periodically transmit a utilizability signal representing the failure of said line or an own apparatus to said transmission side transfer line. Segal discloses a first and second node performing periodic operational status indications or handshaking (utilizability signal), indicating the operational status of each other (see column 5 lines 20-30); and

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said first apparatus judges an occurrence of a failure when it cannot detect said utilizability signal from said second network interface of said second apparatus as a mating apparatus for a predetermined period from said reception side transfer path, and said first network interface of said first apparatus stops transmitting said utilizability signal to be transmitted to said second network interface of said second apparatus and thus reporting the occurrence of the failure to said second apparatus. Segal discloses periodic handshaking stopping, indicating stopping transmission of said utilizability signal to be transmitted to said interface, when a node it determined to be non operational, indicating first apparatus judging that a failure occurs when a reception control portion cannot detect said utilizability signal from said second network interfaces of said second apparatus from said reception side transfer path for a predetermined time (see column 5 lines 20-30).

In regards to claim 8, Segal discloses a network interface in a system connecting two network interfaces incorporated in two apparatuses, respectively, by a line including a transmission side transfer path and a reception side transfer path. Segal discloses a plurality CP nodes (two apparatuses), wherein CP nodes perform periodic handshaking to indicate the nodes are operational, indicating a line including a transmission side transfer path and a reception side transfer path (see figure 1 items 108, 112 and column 5 lines 20-26). It would be inherent that the two apparatus have a network interface in order to communicate with one another.

comprising:

a transmission control portion for periodically transmitting a utilizability signal representing a failure of said line or said apparatus associated with said line to said transmission side transfer path from said network interface to the other of said network interfaces. Segal discloses a first and second node performing periodic operational status indications or handshaking (utilizability signal), indicating the operational status of each other (see column 5 lines 20-30); and

a line control portion for stopping transmission of said utilizability signal to be transmitted to said interface, to said transmission control portion by judging that a failure

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occurs when a reception control portion cannot detect said utilizability signal from the other of said interfaces from said reception side transfer path for a predetermined time. Segal discloses period handshaking stopping, indicating stopping transmission of said utilizability signal to be transmitted to said interface, when a node it determined to be non operational, indicating judging that a failure occurs when a reception control portion cannot detect said utilizability signal from the other of said interfaces from said reception side transfer path for a predetermined time (see column 5 lines 20-30).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Segal in further view of US Patent No. 5,952,932 of Sørensen.

In regards to claim 9, Segal fails to disclose a network interface wherein at least said line control portion is produced into a one chip semiconductor integrated circuit.

However, Sørensen discloses single chip semiconductor processors as small and low cost, and being an attractive component (see column 1 lines 14-17).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Segal such that the CP nodes are single chip semiconductor processors, constituting at least said line control portion is produced into a one chip semiconductor integrated circuit, because single chip semiconductor processor is a technological development common in nearly all processor design today that provide for a more compact and cost effective system.

Allowable Subject Matter

7. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and adhering to the changes expressed in "Claim Objections".

8. Claims 10-12 are allowable

Examiner's Statement of Reason for Allowance

9. The following is an Examiner's statement of reasons for the indication of allowable subject matter: Claims 10-12 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior arts.

10. The reason for allowance for claim 10 is the inclusion of said network interfaces being classified into groups, at least one of said network interfaces belongs to each of said groups, and a network interface is allowed to belong to a plurality of said groups in conjunction with the rest of the limitation set forth in the claim.

11. The remaining claims, not specifically mentioned, are allowed because they are dependent upon one of the claim mentioned above.

12. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Emerson Puente, whose telephone number is (703) 305-8012. The examiner can normally be reached on Monday-Friday from 8:00AM- 5:00PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Robert Beausoliel*, can be reached on (703) 305-9713 or via e-mail addressed to [*robert.beausoliel@uspto.gov*]. The fax number for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**emerson.puente@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 305-3900.

Emerson Puente

4/2/03


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